

REMARKS

In an Official Action dated October 3, 2006 , the Examiner rejected the pending claims as anticipated or obvious over a number of references. Applicant requests that the Examiner reconsider the rejection in light of the amendments to the claims and the following discussion.

As previously discussed with the Examiner, Muellenberg 5,067,847 discloses a device that operates differently than the device disclosed in the application. Although Applicant believes that the claims as previously presented distinguish Applicant's device from the devices in the cited references, the claims have been further amended to further recite some of the distinguishing features.

For instance, as discussed with the Examiner, the device in Mullenberg does not operate such that turning the nut in a first direction causes the minor diameter of the outer sleeve to be displaced toward the major diameter of the inner sleeve to tighten the device and such that turning the nut in a second direction causes the minor diameter of the outer sleeve to be displaced away from the major diameter of the inner sleeve to loosen the device. Such features are recited in claims 1 and 9 and since Mullenberg does not teach or suggest such features, claims 1 and 9 are patentable over Mullenberg.

Further, claim 1 recites that the nut has a threaded portion and a first connector wherein the first connector has a forward surface and a rearward surface spaced apart from the threaded position. The first connector cooperates with a second connector on the outer sleeve to tighten and loosen the device. There is no teaching or suggestion of such features in Muellenberg.

Accordingly, in light of the amendments to the claims, Applicant requests that the Examiner reconsider the rejection of claims 1 and 9 as anticipated by or

obvious in light of Muellenberg.

The Official Action also rejects claims 1-8 and 23 as obvious over Muellenberg in View of Geib 6,361,243. The Examiner contends that Muellenberg teaches or suggests all of the features of claim 1 except the tapered external surface of the outer sleeve, which the Examiner states is taught by Geib. However, claim 1 recites a device that tightens by driving the inner sleeve through the inwardly tapered outer sleeve. In other words, the wedging action occurs by driving the inner sleeve forwardly through the reduced diameter of the outer sleeve.

In contrast, Muellenberg and Geib both teach a device that is tightened by pulling the outer sleeve rearwardly over the inner sleeve. Although this difference may not seem significant, it leads to complications that have existed for years. Applicant recognized that a simple change could lead to an improvement that would overcome this existing problem. And although the change may be simple, simplicity is not the same as obvious. See Continental Can Co., Inc. v. Monsanto Co., 948 F.2d 1264, 20 U.S.P.Q.2d 1746 (Fed. Cir. 1991). In fact, frequently the simplest advances have been the most non-obvious." van Veen v. United States, 386 F.2d 462, 151 U.S.P.Q. 506 (Ct. Cl. 1967). The Courts have even emphasized that the simplicity of an invention may be evidence of non-obviousness. See In re Sporck, 301 F.2d 686, 689, 133 U.S.P.Q. 360, 363 (C.C.P.A. 1962).

Since Muellenberg does not teach the features of claim 1, alone or in with Geib, Applicant requests that the Examiner reconsider the rejection of claims 1-8 and 23.

Claims 11-12 depend from claim 9 and are patentable for at least the reasons discussed above in connection with claim 9. Additionally, as noticed by the Examiner, Muellenberg fails to disclose the features of claim 11. However, the

Examiner has combined pieces of the teaching of Stegman to meet the features of claim 11. However, the Examiner must readily admit that Stegman is a completely different device from Muellenberg. In fact there is virtually no similarity between the devices. The combination of the parts is neither taught nor suggested by the references. And the only reason to combine the pieces that the Examiner selected were to try to re-build the features of claim 11. Such a selection of parts is an improper use of Applicant's disclosure as a roadmap. Accordingly, Applicant requests that the Examiner reconsider the rejection of claim 11 and claim 12 which depends from claim 11.

Regarding claim 24, the claim has been amended to further recite the differences between Applicant's device and the device in Soussloff 4,600,334. For instance, Soussloff incorporates a device having an outer sleeve, and intermediate sleeve and an internal sleeve. Claim 24 has been amended to recite that the outer sleeve engages the machine element and the outer sleeve directly engages the inner sleeve. Claim 24 further recites that rotating the nut in a first direction causes the nut to displace the outer sleeve rearwardly relative to the machine element to tighten the device, and rotating the nut in a second direction causes the nut to displace the outer sleeve forwardly relative to the machine element to loosen the device. In contrast, the device in Soussloff does not have a nut that engages the outer sleeve; rather the nut engages the intermediate sleeve, which does not engage the machine element.

With respect to claim 27, the Examiner appears to indicate that the first connector must include both the flange and the groove. However, nothing in the specification or drawings requires such a conclusion. In fact, claim 3 as originally filed specifically states: "The device of claim 2 wherein the first connector comprises a circumferential groove and the second connector comprises a flange extending radially inwardly . . ." Accordingly, Applicant requests that the Examiner reconsider the rejection of claim 27 under §112.

With regard to the Examiner's request for a summary of the substance of the interview of November 1, 2006, Applicant's undersigned attorney is unclear regarding what the Examiner desires to see. Applicant's undersigned attorney has never had an examiner impose such a requirement, especially in light of the fact that the Examiner already provided a summary of the substance of the interview. Specifically, during the interview Applicant's undersigned attorney discussed with the Examiner the structural and operational differences between Applicant's device and the device in Soussoff and Muellenberg. These operational differences lead to structural differences as discussed above. During the interview, the Examiner also clarified his opinion regarding the application of Muellenberg, specifically with regard to Fig. 9 from Muellenberg, which up until that discussion was not clear to Applicant's undersigned attorney based on the substance of the Official Actions.

In light of the foregoing, Applicant believes that this application is in form for allowance. The Examiner is encouraged to contact Applicant's undersigned attorney if the Examiner believes that issues remain regarding the allowability of this application.

Respectfully submitted,

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Petition for Extension Under 37 CFR §1.136(a)

Applicant's undersigned Attorney hereby petitions for an extension of time of **THREE** month beyond the time period set in the last office communication. The Director is authorized to charge the requisite fee to Deposit Account No. 04-1406

July 28, 2008

Date of Certificate

//Stephen Eland//

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